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PATENT TRADEMARK OFFICE

Patent
Case No.: 56200US041

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: HEPPNER, PHILIP D.
Application No.: 10/696108 Group Art Unit: 1625
Filed: October 29, 2003 Examiner: Huang, Evelyn Mei
Title: THIOETHER SUBSTITUTED IMIDAZOQUINOLINES

TERMINAL DISCLAIMER UNDER 37 CFR § 1.321(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION

To Fax No.: 703-746-5084

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on:

August 3, 2004
Date

Amber M. Haubrick
Signed by: Amber M. Haubrick

Dear Sir:

Petitioner, 3M Innovative Properties Company, a corporation of the State of Delaware having a place of business at 3M Center, St. Paul, MN, represents that it is the exclusive owner of the entire interest in the above-identified application (the "Subject Application") by virtue of an assignment recorded at Reel 13210, Frame 727/33, August 19, 2002. Petitioner further represents that it is the exclusive owner of the entire interest in a pending second application Serial No. 10/696,753, filed October 29, 2003, (the "Second Application") by virtue of an assignment recorded at Reel 012930, Frame 0934/37, on May 28, 2002. Petitioner further represents that it is the exclusive owner of the entire interest in U.S. Patent No. 6,670,372, filed December 6, 2001, (the "third Patent") by virtue of an assignment recorded at Reel 012930, Frame 0934/37, on May 28, 2002. Petitioner further represents that it is the exclusive owner of the entire interest in U.S. Patent No. 6,677,348, filed June 7, 2002, (the "fourth Patent") by virtue of an assignment recorded at Reel 13210, Frame 727/33, on August 19, 2002. As used herein, "Subject Patent" refers to a patent granted on the Subject Application, and "Second Patent" refers to a patent granted on the Second Application.

Petitioner disclaims the terminal part of any Subject Patent which would extend beyond the expiration date of the full statutory term, as defined in 35 USC §§ 154 to 156 and 173 and as shortened by any terminal disclaimer filed prior to the grant of any Second Patent or Third Patent or Fourth Patent, of any Second Patent or of any Third Patent or of any Fourth Patent. Petitioner hereby agrees that any Subject Patent shall be enforceable only for and during such period that the legal title to such patent and any Second Patent or Third Patent or Fourth Patent are commonly owned. This agreement is to run with any Subject Patent and shall be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any Subject Patent that would extend to the expiration date of the full statutory term as defined in 35 USC §§ 154 to 156 and 173 of any Second Patent or Third Patent or Fourth Patent, as shortened by any terminal disclaimer filed prior to the grant of such Second Patent or Third Patent or Fourth Patent, in the event such Second Patent or Third Patent or Fourth Patent: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable or is found invalid by a court of competent jurisdiction; (3) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321 after grant; (4) has all claims canceled by a reexamination certificate; (5) is reissued; or (6) is otherwise terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to the grant of such Second Patent or Third Patent or Fourth Patent.

Documents establishing the chain of title of the Subject Application and of the Second Application and of the Third Patent and of the Fourth Patent (including the aforementioned assignments and recording locations) have been reviewed and I certify that, to the best of my knowledge and belief, title is in Petitioner.

I declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 CFR § 1001 and that such willful false statements may jeopardize the validity of the Subject Application or any patent issuing thereon.

Please charge the fee provided in 37 CFR § 1.20(d) and, if necessary, charge any additional fees or credit any overpayment to Deposit Account No. 13-3723. One copy of this sheet marked duplicate is also enclosed.

Respectfully submitted,

3 August 2004
Date

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Office of Intellectual Property Counsel
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